(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

BETWEEN

W.P. No. 2291 OF 2003

PETITIONER - YOGESHWAR DHAR DIWAN
AGE - 54 YEARS
SON OF SHRI RAMESHWARDHAR DIWAN
POSTED AS ASSISTANT TEACHER
AT - PRIMARY SCHOOL, KUSAMI,
BLOCK EDUCATION OFFICE-BERLA
DISTRICT - DURG (C.G.)
R/O 25/196, BRAMHAN PARA,
RAIPUR (C.G.)

P.R. No. 2136/03
Presented by Shri R.S. Pradeep
dated 29.12.03

VERSUS

RESPONDENTS - 1. STATE OF CHHATTISGARH
THROUGH - THE SECRETARY
SCHOOL EDUCATION DEPARTMENT
D.K.S.BHAWAN, RAIPUR (C.G.)

2. THE DIRECTOR,
PUBLIC INSTRUCTION,
CHHATTISGARH, RAIPUR (C.G.)

3. DISTRICT EDUCATION OFFICER,
BEMETARA, DISTRICT-DURG (C.G.)

4. BLOCK EDUCATION OFFICER,
BERLA, DISTRICT-DURG (C.G.)

A. K. Pandey
ADVOCATE
RAIPUR M.P.

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CLERK TO A.G. BILASPUR

WRIT PETITION UNDER ARTICLE-226 AND 227 OF CONSTITUTION OF INDIA.

(58)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2291 of 2003

Petitioner Yogeshwar Dhar Diwan

Versus

Respondents State of Chhattisgarh & others

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri R. K. Kesherwani, Advocate for the petitioner.

Shri Sumit Verma, Panel lawyer for the respondents.

ORAL ORDER

(6th May, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner has filed this petition for the following reliefs:-

> "a. Your Lordship may be pleased to issue an appropriate writ or direction to the Respondents for considering and allowing the Voluntary Retirement from Services of the Petitioner w.e.f. 31.3.99 on the basis of application/notice dt. 1.1.1999 (Annexure-P/6).
>
> b. Your Lordship may be pleased to allow the consequential benefits of services after the consideration of V.R.S. application.
>
> c. May be pleased to quash the departmental enquiry proceeding which is pending unnecessarily without any reasons.
>
> d. May be pleased to allow any other relief as may be deemed fit and cost of Petition may be allowed."

2. It is submitted by learned counsel for the petitioner that the petitioner has filed the original application, being O.A.No. 503/2001, for the same relief, as sought for in this petition. In view of the pendency of one petition, the second petition for the same relief against the same cause of action cannot be maintained.

3. Learned counsel for the petitioner is not in a position to dispute the statement that the cause of action and the prayer in the original application are the same as in the present petition.

4. For the reasons stated above, this petition is dismissed as not maintainable. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge